

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 191 – SB 430

April 4, 2017

SUMMARY OF ORIGINAL BILL: Requires the Department of Labor and Workforce Development (DLWD) to employ or contract with qualified amusement device inspectors to perform amusement device inspections. Increases from one to two, the number of annual device inspections. Requires device operators to be at least 18 years of age and to be qualified to set up, operate, maintain, and dismantle the device in a safe manner. Authorizes persons injured in accidents to bring a cause of action against owners and operators.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue –

Exceeds \$45,000/Department of Labor and Workforce Development

Increase State Expenditures –

Exceeds \$45,000/Department of Labor and Workforce Development

IMPACT TO COMMERCE OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (006744): Deletes all language after the enacting clause. States that seasonal haunted houses are not considered amusement devices. Allows a member of the Association for Challenge Course Technology (ACCT) to be an amusement device inspector. Alters background requirements for members of the Elevator and Amusement Device Safety Board.

Authorizes the DLWD to employ or contract with qualified amusement device inspectors to perform amusement device inspections.

Authorizes DLWD to conduct a spot inspection of any amusement device without notice at any time while the amusement device is operating or will be operating in this state. Requires amusement device operators to be at least 18 years of age. Requires an owner or operator of an amusement device to prominently display or have available on location the amusement device's proof of inspection.

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FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Other Fiscal Impact - To the extent the Department of Labor and Workforce Development (DLWD) continues the current practice of using third party amusement device inspectors, the fiscal impact is considered not significant. However, to the extent the DLWD elects to employ or contract with qualified amusement device inspectors in future years, the Department will experience an increase in expenditures and an increase in revenue to cover anticipated expenditures.

Assumptions for the bill as amended:

- Currently, under Tennessee Code Annotated, title 68 chapter 121, amusement device inspections are completed by a qualified third party inspector with all fees associated with the annual inspection transferred between the two private parties.
- The provisions of the legislation authorize the DLWD to contract with or employ qualified inspectors to conduct inspections of amusement devices in addition to allowing the current practice of third party inspection process to continue.
- It is assumed that amusement device inspection fees associated with third party inspectors will continue to be transferred between the two private parties.
- DLWD reports the intent to continue the current practice of allowing third party amusement device inspectors to fulfill the amusement device inspection requirements.
- To the extent DLWD continues the current practice of using third party amusement device inspectors, the fiscal impact is considered not significant.
- To the extent the DLWD elects to employ or contract with qualified amusement device inspectors in future years, the Department will experience an increase in expenditures and increase in fee revenues of an equal or lesser amount dependent upon multiple unknown factors.
- DLWD reports that seasonal haunted houses are not currently considered amusement devices; therefore, removing seasonal haunted houses from the definition of amusement devices will not impact device registrations or inspections.
- The provisions of the legislation do not increase or decrease the requirements or the amount of members on the Elevator and Amusement Device Safety Board.

IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The provisions of the legislation are not expected to increase or decrease amusement device inspection fees for device owners and operators. As a result, any impact to business revenue or business expenditures is estimated to be not significant.
- The provisions of the legislation are not expected to significantly impact jobs in Tennessee.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/dwl